

ORIGINALDecision No. 63995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
SOUTHERN PACIFIC COMPANY for authority)	Application No. 43537
to discontinue crossing watchman at)	(Filed June 26, 1961)
9th Street in the City of Guadalupe,)	(Amended July 12, 1961)
County of Santa Barbara.)	

Randolph Karr and Harold Lentz, for applicant.
 John J. Seitz, for the City of Guadalupe and
 the Guadalupe Joint Union School District;
C. V. Gates, for the Brotherhood of
 Locomotive Engineers; Harry G. Wheeler, for
 the Brotherhood of Railroad Trainmen,
 protestants.
William R. Kendall, for the Commission staff.

O P I N I O N

Public hearings on this application as amended were held in Guadalupe on October 5, 1961 and on November 28, 1961, before Examiner Rowe. Evidence was presented by applicant and protestants, and the matter was duly submitted on the latter date and is now ready for decision.

Applicant alleges, among other things, that it maintains a crossing flagman between the hours of 8 a.m. and 4 p.m., at 9th Street in Guadalupe, Monday through Friday, from September through June, when the school of the Guadalupe Joint Union School District is in regular session; that only a portion of the school population uses the 9th Street crossing; that a great many of the school children cross applicant's railroad at other locations; that the crossing at 9th Street has automatic protection; and that there is no justification for continuing to assign the flagman at that crossing. Authority from this Commission is requested to discontinue the use of said flagman.

Protestants argue that several hundred school children utilize the crossing daily when school is in session, and that there is a continuing need for the maintenance of a flagman at this location.

The crossing in question runs in a generally east and west direction across the main line and a siding track of applicant, the tracks running in a generally north and south direction. The crossing is presently protected (in addition to the flagman) by a Standard No. 3 signal, which is an automatic wig-wag and bell, without barriers. The school is located within one city block of the east side of the tracks. Over four hundred school age children reside on the west side of the tracks and must cross them at least twice daily on their way to and from school. Some of the children return to their homes for lunch and hence make two more crossings daily.

There are two other crossings in the vicinity, one at 10th Street and one at 11th Street, both north of 9th Street. Each of these crossings is protected by Standard No. 3 signals only. The students are directed by the school officials to cross applicant's tracks only at 9th Street so that they may have full advantage of the protection afforded by the crossing flagman. Despite these directions, the evidence presented at the hearing showed that some students have persisted in crossing the tracks at 10th and 11th Streets as well as at other points between 11th and 9th Streets. The number of such errant students, according to the testimony of the various witnesses, ranged from two to twenty-two per day. In addition, there was testimony showing that children on occasion have played on the railroad tracks and have crawled under or over railroad cars standing on the main track or the siding.

Applicant's witnesses testified that the 9th Street crossing is the only crossing in the Southern Pacific Company's Coast Division at which a crossing flagman is maintained in addition to automatic control; that there are other areas in the Coast Division wherein schools are located in close proximity to the railroad tracks and that in such areas they are not required to maintain crossing flagmen; that they know of no crossing accidents involving pedestrians in the Coast Division in recent history; and that they have concluded that the maintenance of the flagman at 9th Street is not justified. Applicant offered to provide two Standard No. 8 Flashing Light Signals in conformity with General Order No. 75-B in place of the existing Standard No. 3 signal at the 9th Street crossing, in the event applicant is granted the right to discontinue the use of the crossing flagman. The Commission staff recommended that if the Commission should authorize discontinuance of the flagman, applicant should be ordered to install and maintain said Standard No. 8 Flashing Light Signals.

Two protestant witnesses, one from the Brotherhood of Locomotive Engineers and one from the Brotherhood of Railroad Trainmen, testified that they are generally familiar with the crossing in question, having often worked in the particular area as well as in various other areas in the Coast Division; that in their opinion the 9th Street crossing is unique, in that it is involved in regular switching operations; that cars are known to stand for varying periods of time on the tracks, thereby blocking the crossing; and that large numbers of children utilize the crossing to get to and from school. The witness from the Brotherhood of Railroad Trainmen, who has worked in the area since 1944, testified to a decrease in the

number of children climbing through standing trains or crossing at points other than 9th Street since the assignment of the crossing flagman in 1949. He testified that he and other members of train crews on which he has worked have, on their own initiative, aided the flagman in keeping children off the trains and the tracks when they could.

The evidence presented in this proceeding indicates a need to investigate generally the safety, use, and protection of the crossings at 10th and 11th Streets, and the nearby trackage, as well as the crossing at 9th Street, herein involved. Concurrently with the issuance of this decision, we will issue an order instituting such investigation.

Findings

We find that conditions at the 9th Street crossing are unusual; that the danger to children of school age is great; and that public health, safety, and welfare require the maintenance by applicant of a flagman at said crossing in the same manner and to the same extent as presently required.

O R D E R

Application having been filed and public hearings having been held, and based upon the above findings,

IT IS ORDERED that Application No. 43537 is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of JULY, 1962.

George A. Grover
President
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.